

REMARKS

This Application has been carefully reviewed in light of the final Office Action mailed November 2, 2001. Applicant appreciates the Examiner's consideration of the Application and Applicant's response to the first Office Action. Applicant has amended Claims 11-19, 21-35, and 37-42 to further clarify, more particularly point out, and more distinctly claim at least some of the various patentable distinctions over the prior art previously present in Applicants' claims. Accordingly, these changes do not narrow the claims. These changes are not considered necessary for patentability. These changes will not raise new grounds of rejection or require a new search to be made. Applicant respectfully requests further examination, reconsideration, and favorable action.

The Examiner rejects Claims 11-42 of the present Application based on the doctrine of obvious-type double patenting as being unpatentable over Claims 1-82 of U.S. Patent No. 6,188,989 B1. A Terminal Disclaimer is attached to obviate this rejection. Applicant respectfully requests reconsideration and allowance of Claims 11-42.

The Examiner rejects Claims 11-12, 15-16, 18, 27-28, 31-32, and 34 under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 0425405A2 to James et al. ("*James*") in view of U.S. Patent No. 5,712,985 to Lee et al. ("*Lee*"). The Examiner also rejects Claims 13-14, and 29-30 as being unpatentable over *James* in view of *Lee* and in further view of *The Keys to the Enterprise: Integrated Applications Drive Information Systems to New Horizons* by Rhodes ("*Rhodes*"). The Examiner also rejects Claims 17, 19-21, 23-26, 33, 35-37, and 39-42 as being unpatentable over *James* in view of *Lee* and in further view of *Dun & Bradstreet Software Delivers Sales and Promotion System to Manufacturers* by Smith et al. ("*Smith*"). The Examiner also rejects Claims 22 and 38 as being unpatentable over *James* in view of *Lee*, in further view of *Rhodes*, and in further view of *Smith*.

The Proposed Combination of *James* With Other References Fails to Disclose, Teach, or Suggest Limitations Recited in Applicant's Independent Claims

James discloses an automated customer order promising and confirming system that facilitates order confirmation. (Column 5, Lines 1-3). To facilitate order confirmation, the system estimates the projected completion date of a customer order, (Column 4, Lines 35-39; Column 5, Lines 29-32) which involves, among other things, receiving a customer order and determining whether “unallocated” inventory or scheduled production is available to fill the customer order. (Column 5, Lines 29-40). According to *James*, “Allocation is the assignment of available or planned inventory to a [customer] order. In customer order servicing, as customer orders are entered, available inventory and planned production are allocated against them.” (Column 2, Line 52 through Column 3, Line 1). Thus, as disclosed in *James*, determining whether “unallocated” inventory or scheduled production is available to fill a customer order simply involves determining which, if any, inventory or scheduled production has not already been assigned to a customer order. If such “unallocated” inventory or scheduled production is not available to fill the customer order, the system determines a completion date for the customer order using materials requirements planning (MRP) functionality, (Column 5, Lines 21-22; Column 5, Line 44 through Column 6, Line 5) taking into account changes in the master production schedule and other considerations. (Column 2, Line 46 through Column 3, Line 46).

Thus, *James* provides no disclosure, teaching, or suggestion of a product forecast model representing a “supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller” or of computing the amount of the product that is ATP at a seller according to such a pre-allocated supply, as recited in Applicant's independent claims.

Lee Fails to Account for the Deficiencies of James, Even if They Could be Properly Combined

Lee discloses a system for analyzing business demand that tracks past business demand for a number of products or tasks and projects business demand for such items. (Column 2, Lines 63-67). The system includes forecast profiles, which include projections of anticipated demand for business items based on base profiles (which are generated from sales data and reflect demand for business items absent known influences) and selected influence profiles (which reflect changes in demand for business items due to identifiable conditions) or seasonality profiles. (Column 3, Lines 16-18; Column 3, Lines 21-24; Column 3, Lines 28-30; Column, Lines 40-43). According to *Lee*, such forecast profiles indicate the quantities of business items to be produced, shipped, scheduled, or otherwise provided in time intervals included in the base profiles. (Column 3, Lines 47-50).

Lee fails to account for the failure of *James* to disclose, teach, or suggest a product forecast model representing a “supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller” or of computing the amount of the product that is ATP at a seller according to such a pre-allocated supply, as discussed above. Thus, even if it were possible to properly combine *Lee* with *James*, the proposed combination would still fail to disclose, teach, or suggest limitations recited in Applicant’s claims. Applicant therefore respectfully requests reconsideration and allowance of independent Claims 11 and 27 and those claims that depend on Claims 11 and 27.

Smith Fails to Account for the Deficiencies of James and Lee, Even if They Could be Properly Combined

Smith discloses a sales promotion system (SPS) integrated with financial systems and order management systems (OMSs) that enables manufactures to create and manage special product promotions based on product categories or items, geographic regions, customer

types, or customer accounts. The SPS supports discounts based on total invoices, bill-back payables to customers, and allowances for advertising, banners, and demonstrations.

Smith fails to account for the failure of *James* and *Lee* to disclose, teach, or suggest a product forecast model representing a “supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller” or of computing the amount of the product that is ATP at a seller according to such a pre-allocated supply, as discussed above. Thus, even if it were possible to properly combine *Smith* with *James* and *Lee*, the proposed combination would still fail to disclose, teach, or suggest limitations recited in Applicant’s claims. Applicant therefore respectfully requests reconsideration and allowance of independent Claims 19 and 35 and those claims that depend on Claims 19 and 35.

***Rhodes* Fails to Account for the Deficiencies of *James*, *Lee*, and *Smith*, Even if They Could be Properly Combined**

Rhodes discloses sales and operation planning (SOP) software that provides enterprise-wide integration of marketing, manufacturing, materials, financial, and engineering activities. Such software can address global objectives, such as setting an overall level of manufacturing output, better satisfying a current planned level of sales, and meeting general business objectives, including inventory balancing, work force scheduling, productivity, profitability, and overall competitiveness.

Although the Examiner has not rejected Applicant’s independent claims based on *Rhodes*, Applicant notes that *Rhodes* fails to account for the failure of *James*, *Lee*, and *Smith* to disclose, teach, or suggest a product forecast model representing a “supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller” or of computing the amount of the product that is ATP at a seller according to such a pre-allocated supply, as discussed above. Thus, even if it were possible to properly combine *Rhodes* with *James*, *Lee*, and *Smith*, the proposed combination would still fail to disclose, teach, or suggest limitations recited in Applicant’s claims.

The Cited References, Whether Considered Individually or In Combination, Fail to Disclose, Teach, or Suggest Limitations Recited in Applicant's Dependent Claims

Dependent Claims 12-18, 20-26, 28-34, and 36-42 depend on Claims 11, 19, 27, and 35, which Applicant has shown to be allowable, are allowable for at least this reason. These dependent Claims also recite further patentable distinctions over the prior art of record. For example, the cited references, whether considered individually or in combination, fail to disclose, teach, or suggest a “supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller,” as discussed above. Therefore, the cited references necessarily fail to disclose, teach, or suggest, the operations recited in dependent Claims 12-18, 21-26, 28-34, and 37-42 that involve such a “pre-allocated supply of the product to the seller.” Applicant therefore respectfully requests reconsideration and allowance of dependent Claims 12-18, 20-26, 28-34, and 36-42.

Conclusion

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests further examination, reconsideration, and full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to call Christopher W. Kennerly, attorney for Applicant, at 214.953.6812.

A check in the amount of \$110.00 is attached to cover the fee for a terminal disclaimer. Applicant believes that no further fees are due. Nonetheless, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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Mark-Ups Reflecting Changes to Specification and Claims

In the Specification:

The title of the invention is effectively amended as follows:

**[SYSTEM AND METHOD FOR MANAGING ATP]
MANAGING DATA ASSOCIATED WITH
AVAILABLE-TO-PROMISE (ATP) PRODUCTS**

In the Claims:

11. (Amended) A system for managing data associated with available-to-promise (ATP) products, comprising:

at least two seller models that each represent a seller for one or more products, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

pre-allocated supply of the product to the seller, the pre-allocated supply being a supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller; and
the system operable to compute the amount of the product that is ATP at [the] a seller according to the planned supply, the customer orders, the pre-allocated supply, and the amount of the product that is ATP at one or more other sellers.

12. (Amended) The system of Claim 11, further operable to adjust the pre-allocated supply of the product to the seller according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria.

13. **(Amended)** The system of Claim 11, further operable to:
communicate forecast models to a remote system;
receive from the remote system a promise computed at the remote system for a customer order requesting a quantity of a product through the seller, the promise being computed according to the pre-allocated supply of the product to the seller;
receive from the remote system adjusted forecast models reflecting the promise; and
recompute the amount of the product that is ATP at the seller.

14. **(Twice Amended)** The system of Claim 13, wherein:
all forecast models for one or more sellers are communicated to the remote system;
and
the system is further operable to:
receive from the remote system the promise also computed according to the amount of the product that is ATP at the one or more other sellers; and
adjust the amount of the product that is ATP at the one or more other sellers if the promise exceeds the pre-allocated supply [for] of the product to the seller.

15. **(Amended)** The system of Claim 11, wherein the forecast model further represents a quantity of the product the seller has committed to selling, the system operable to adjust the pre-allocated supply [for] of the product to the seller according to the committed quantity.

16. **(Amended)** The system of Claim 11, further operable to:
accept a customer order requesting a quantity of a product through the seller; and
compute a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the pre-allocated supply of the product to the seller.

17. (Amended) The system of Claim 11, wherein:
each forecast model is extensible such that one or more policy rules may be associated with the corresponding product;

each policy rule comprises a restriction on either the forecasted sales or the pre-allocated supply [for] of the product to the seller; and

either the forecasted sales or the pre-allocated supply of the product to the seller is computed according to the policy rules.

18. (Amended) The system of Claim 11, further operable to adjust either the forecasted sales or the pre-allocated supply [for a] of the product [for] to the seller according to an arrival rate of customer orders for the product through the seller.

19. (Amended) A system for managing data associated with available-to-promise (ATP) products, comprising:

at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

pre-allocated supply of the product to the seller, the pre-allocated supply being a supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller; and
[wherein] the system [is] operable to compute the amount of the product that is ATP at [the] a seller according to the planned supply, the customer orders, the pre-allocated supply, and the amount of the product that is ATP at one or more other sellers.

20. The system of Claim 19, wherein the restrictions are selected from the group consisting of price restrictions, quantity restrictions, and lead time restrictions.

21. (Amended) The system of Claim 19, further operable to adjust the pre-allocated supply of the product to the seller according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria.

22. (Amended) The system of Claim 19, further operable to:
communicate forecast models to a remote system;
receive from the remote system a promise computed at the remote system for a customer order requesting a quantity of one or more items through the seller, the promise being computed according to at least the pre-allocated supply for corresponding products;
receive from the remote system adjusted forecast models reflecting the promise; and
recompute the amounts of the corresponding products that are ATP at the seller.

23. (Amended) The system of Claim 19, wherein the forecast model further represents a quantity of corresponding products the seller has committed to selling, the system operable to adjust the pre-allocated supply [for] of the product to the seller according to the committed quantity.

24. (Amended) The system of Claim 19, further operable to:
accept a customer order requesting quantities of one or more items through the seller;
and
compute a promise for the customer order according to the pre-allocated supply for corresponding products, wherein the promise comprises a plurality of options each with one or more of the restrictions specified for these products.

25. (Amended) The system of Claim 19, wherein:
each forecast model is extensible such that one or more policy rules may be associated with the corresponding product;

each policy rule comprises a restriction on either the forecasted sales or the pre-allocated supply [for] of the product to the seller; and

either the forecasted sales or the pre-allocated supply of the product to the seller are computed according to the policy rules.

26. (Amended) The system of Claim 19, further operable to adjust either the forecasted sales or the pre-allocated supply for one or more products for the seller according to an arrival rate of customer orders for those products through the seller.

27. (Amended) A method for managing data associated with available-to-promise (ATP) products, comprising:

accessing at least two seller models that each represent a seller for one or more products, each product associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

pre-allocated supply of the product to the seller, the pre-allocated supply being a supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller; and
computing the amount of the product that is ATP at [the] a seller according to the planned supply, the customer orders, the pre-allocated supply, and the amount of the product that is ATP at one or more other sellers.

28. (Amended) The method of Claim 27, further comprising adjusting the pre-allocated supply of the product to the seller according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria.

29. **(Amended)** The method of Claim 27, further comprising:
communicating forecast models to a remote system;
receiving a promise computed at the remote system for a customer order requesting a quantity of a product through the seller, the promise having been computed according to the pre-allocated supply of the product to the seller;

receiving from the remote system adjusted forecast models reflecting the promise; and
recomputing the amount of the product that is ATP at the seller.

30. **(Twice Amended)** The method of Claim 29:
wherein all forecast models for one or more sellers are communicated to the remote system;

wherein the promise has also been computed according to the amount of the product that is ATP at the one or more other sellers; and

further comprising adjusting the amount of the product that is ATP at the one or more other sellers if the promise exceeds the pre-allocated supply [for] of the product to the seller.

31. **(Amended)** The method of Claim 27:
wherein the forecast model further represents a quantity of the product the seller has committed to selling; and

further comprising adjusting the pre-allocated supply [for] of the product to the seller according to the committed quantity.

32. **(Amended)** The method of Claim 27, further comprising:
accepting a customer order requesting a quantity of a product through the seller; and
computing a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the pre-allocated supply of the product to the seller.

33. (Amended) The method of Claim 27, wherein:
each forecast model is extensible such that one or more policy rules may be associated with the corresponding product;
each policy rule comprises a restriction on either the forecasted sales or the pre-allocated supply **[for] of the product to** the seller; and
either the forecasted sales or the pre-allocated supply **of the product to the seller** is computed according to the policy rules.

34. (Amended) The method of Claim 27, further comprising adjusting either the forecast values or the pre-allocated supply **[for a] of the** product **[for] to** the seller according to an arrival rate of customer orders for the product through the seller.

35. (Amended) A method for managing data associated with available-to-promise (ATP) products, comprising:

accessing at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

pre-allocated supply of the product to the seller, **the pre-allocated supply being a supply of the product that has been pre-allocated to the seller for promising to subsequent customer orders for the product through the seller;** and
computing the amount of the product that is ATP at **[the] a** seller according to the planned supply, the customer orders, the pre-allocated supply, and the amount of the product that is ATP at one or more other sellers.

36. The method of Claim 35, wherein the restrictions are selected from the group consisting of price restrictions, quantity restrictions, and lead time restrictions.

37. (Amended) The method of Claim 35, further comprising adjusting the pre-allocated supply of the product to the seller according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria.

38. (Amended) The method of Claim 35, further comprising:
communicating forecast models to a remote system;
receiving a promise computed at the remote system for a customer order requesting a quantity of one or more items through the seller, the promise having been computed according to at least the pre-allocated supply for corresponding products;
receiving from the remote system adjusted forecast models reflecting the promise; and
recomputing the amounts of the corresponding products that are ATP at the seller.

39. (Amended) The method of Claim 35, wherein:
the forecast model further represents a quantity of corresponding products the seller has committed to selling; and
further comprising adjusting the pre-allocated supply of the product to the seller according to the committed quantity.

40. (Amended) The method of Claim 35, further comprising:
accepting a customer order requesting quantities of one or more items through the seller; and
computing a promise for the customer order according to the pre-allocated supply for corresponding products, wherein the promise comprises a plurality of options each with one or more of the restrictions specified for these products.

41. (Amended) The method of Claim 35, wherein:
each forecast model is extensible such that one or more policy rules may be associated with the corresponding product;
each policy rule comprises a restriction on either the forecasted sales or the pre-allocated supply [for] of the product to the seller; and
either the forecasted sales or the pre-allocated supply of the product to the seller is computed according to the policy rules.

42. (Amended) The method of Claim 35, further comprising adjusting either the forecasted sales or the pre-allocated supply for one or more products for the seller according to an arrival rate of customer orders for those products through the seller.